

338.5

I4611

Cop.3

Illinois--Laws, statutes, etc.


Illinois community

emergency housing rent

control law.







Digitized by the Internet Archive  
in 2017 with funding from  
University of Illinois Urbana-Champaign Alternates

ILLINOIS  
COMMUNITY EMERGENCY HOUSING  
RENT CONTROL LAW

(House Bill No. 278 of the 65th General Assembly)



Issued by  
EDWARD J. BARRETT  
Secretary of State

---

[Printed by authority of the State of Illinois.]

THE LIBRARY OF THE  
AUG 26 1947  
UNIVERSITY OF ILLINOIS



338.5  
IL61i  
cop.3

# COMMUNITY EMERGENCY HOUSING RENT CONTROL LAW.

- |   |  |
|---|--|
| § 1. Declaration and findings—Termination.        | § 6. Cooperation with other governmental agencies. |
| § 2. Definitions.                                 | § 7. Procedure.                                    |
| § 3. Temporary community housing rent commission. | § 8. Judicial review.                              |
| § 4. General powers and duties of commission.     | § 9. Prohibitions.                                 |
| § 5. Investigations — Records — Reports.          | § 10. Enforcement.                                 |
|   | § 11. Application.                                 |
|   | § 12. Separability.                                |
|   | § 13. Short title.                                 |
|   | § 14. Adoption of Act.                             |

(HOUSE BILL NO. 278. APPROVED JULY 18, 1947.)

AN ACT in relation to the regulation, control and stabilization of rents in housing accommodations during an emergency, providing for temporary community housing rent commissions and prescribing their powers and duties.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. Declaration and Findings: Termination. 1. The legislature hereby finds that a serious public emergency exists in the housing of a considerable number of persons in the State of Illinois which emergency has been created by war, the effects of war and the aftermath of hostilities; that such emergency has necessitated the intervention of the federal government in order to prevent speculative, unwarranted and abnormal increases in rent; that such emergency has produced an acute shortage in dwellings by a diversion and reservation of essential materials and manpower needed successfully to prosecute the war; that the federal law pursuant to which rents in dwellings are presently being regulated and controlled, by its terms expires on the thirtieth day of June, nineteen hundred forty-seven; that unless such law be renewed and such regulation and control be continued, disruptive practices and abnormal conditions will produce serious threats to the public health, safety and general welfare; that to prevent such perils to health, safety and welfare, preventive action by the several governmental units concerned is imperative; that such action is necessary in order to prevent exactions of unjust, unreasonable and oppressive rents and rental agreements and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health; that in order to prevent such hardships and perils and to avoid the serious consequences of a failure of the congress to renew and continue such federal law, or the failure to continue or extend where necessary such regulation and control, the provisions of this Act are declared to be necessary and designed to protect the public health, safety and general welfare.

2. The provisions of this Act, and all ordinances, resolutions, regulations, orders and requirements hereunder shall terminate on June thirtieth, nineteen hundred forty-nine.



§ 2. Definitions. When used in this Act, unless a different meaning clearly appears from the context, the following terms shall mean and include:

1. "Commission." The temporary community housing rent commission authorized by this Act.

2. "Housing accommodation." Any building or structure, permanent or temporary, or any part thereof, occupied or intended to be occupied by one or more individuals as a residence, home, sleeping place, boarding house or lodging house, together with the land and buildings appurtenant thereto, and all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof, but does not include a hospital, convent, monastery, asylum, public institution, or college or school dormitory or hotel or building or structure on land (outside any city, village, or incorporated town) used primarily in connection with agricultural pursuits.

3. "Rent." Consideration, including any bonus, benefit or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such housing accommodations.

4. "Maximum rent." The maximum lawful rent for the use of housing accommodations within a community. Maximum rents may be formulated in terms of rents and other charges and allowances.

5. "Person." An individual, corporation, partnership, association, or any other organized group of individuals or the legal successor or representative of any of the foregoing.

6. "Community." Any city, village or incorporated town, and that part of any county outside the territorial limits of any city, village or incorporated town but not including any property in such county (outside any city, village, or incorporated town) used primarily in agricultural pursuits.

7. "Landlord." An owner, lessor, sublessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations or an agent of any of the foregoing.

8. "Tenant." A subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

9. "Documents." Records, books, accounts, correspondence, memoranda and other documents, and drafts and copies of any of the foregoing.

§ 3. Temporary Community Housing Rent Commission. 1. In each community which adopts this act there shall be created a temporary community housing rent commission. Such commission shall consist of one, three, or five members to be known as commissioners, the particular number to be determined by the legislative authority, and such member or members shall be appointed by the chief executive officer of the community with the advice and consent of the legislative authority thereof, and who shall serve during the pleasure of the appointing authority. He shall receive a salary to be fixed by the corporate authority, and shall devote his entire time to the duties of his office, and shall not engage in any other business, vocation or employment.



He shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

2. The commission shall establish and maintain its principal office in the community and may establish such other offices therein as the commission may deem necessary. The commission may appoint such officers, employees and agents as the commission may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties. All employees of the commission shall be appointed in accordance with the provisions of any applicable civil service law and rules.

3. The commission may from time to time adopt, promulgate, amend or rescind such rules, regulations and orders as the commission may deem necessary or proper to effectuate the purposes of this act.

4. The commission shall make a full report of its activities and of its recommendations to the corporate authority of its community on or before the first day of June, and shall make such additional reports from time to time as shall be requested by the corporate authority.

5. The exercise of any power herein conferred upon any commission shall be subject to such supervision and direction, in furtherance of the purpose of this Act, as may be deemed necessary by the corporate authority of the community wherein it operates.

§ 4. General Powers and Duties of Commission. Whenever in the judgment of the commission such action is necessary or proper in order to effectuate the purposes of this act, the commission shall issue a declaration setting forth the necessity for the stabilization or reduction of rents for any housing accommodations within its community and shall by regulation or order establish such maximum rent or maximum rents for such housing accommodations in such community as in the judgment of the commission will be generally fair and equitable and will effectuate the purposes of this act. So far as practicable, in establishing any maximum rent for any housing accommodations within a particular community, the commission shall ascertain and give due consideration to the rents established pursuant to federal law or otherwise prevailing for such housing accommodations, or comparable housing accommodations, on or about January first, nineteen hundred forty-six, or if, prior or subsequent to January first, nineteen hundred forty-six, abnormal conditions, including defense activities, shall have resulted or threatened to result in increases in rents for housing accommodations in such community inconsistent with the purposes of this act, then on or about a date not earlier than January first, nineteen hundred forty-five, which in the judgment of the commission does not reflect such increases, and the commission shall make adjustments for such relevant factors as the commission may determine and deem to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs within such community. In prescribing regulations and orders establishing maximum rents for such housing accommodations therein, and in selecting persons to administer such regulations and orders, the commission shall, to such extent as the commission determines to be practicable, consider any recommendations

which may be made by local officials concerned with housing or rental conditions.

2. If rent control established pursuant to any federal law is in force and effect in any community of this State immediately preceding the time that rent control pursuant to this act shall become operative therein, the commission shall fix maximum rents for housing accommodations therein, and establish regulations and orders appertaining thereto, as nearly as may be in conformity with those in force and effect at such time pursuant to such federal law.

3. Whenever the commission shall find that, in any community, (a) the percentage of vacancies is ten per centum or more, or, (b) the availability of adequate rental housing accommodations and other relevant factors are such as to make rent control unnecessary for the purpose of eliminating speculative, unwarranted, and abnormal increases in rents and of preventing profiteering and speculative and other disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this act in such community shall be forthwith abolished; but whenever in the judgment of the commission it is necessary or proper, in order to effectuate the purpose of this act, to reestablish the regulation of rents in any such community, the commission may forthwith by regulation or order reestablish maximum rents for housing accommodations therein in accordance with the standards set forth in this act.

4. Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the commission are necessary or proper in order to effectuate the purpose of this act. Under regulations to be prescribed by the commission, the commission shall provide for the making of individual adjustments in those classes of cases where the rent on the maximum rent date for any housing accommodations is, due to peculiar circumstances, substantially higher or lower than the rents established pursuant to federal law or otherwise generally prevailing in the community for comparable housing accommodations, and in those classes of cases where substantial hardship has resulted since the maximum rent date from a substantial and unavoidable increase in property taxes or operating costs. Any regulation or order under this section which establishes a maximum rent may provide for a maximum rent below the rent or rents established pursuant to federal law or otherwise prevailing for the community housing accommodations at the time of the issuance of such regulation or order.

5. Whenever in the judgment of the commission such action is necessary or proper in order to effectuate the purposes of this act, the commission may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices, including practices relating to recovery of the possession, in connection with housing accommodations, in the community, which in the judgment of the commission are equivalent to or are likely to result in rent increases inconsistent with the purposes of this act.

6. Regulations, orders, and requirements under this act may contain such provisions as the commission deems necessary to prevent the circumvention or evasion hereof.

7. The powers granted in this section shall not be used or made to operate to compel changes in established rental practices, except where such action is affirmatively found by the commission to be necessary to prevent circumvention or evasion of any regulation, order, or requirement under this act.

8. The powers and authority granted in this Act shall not extend to any building, house, or structure on land (outside any city, village, or incorporated town) used primarily in connection with agricultural pursuits.

§ 5. Investigations: Records: Reports. 1. The commission is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information as the commission deems necessary or proper in prescribing any regulation or order under this act or in the administration and enforcement of this act and regulations and orders hereunder.

2. The commission is further authorized, by regulation or order, to require any person who rents or offers for rent or acts as broker or agent for the rental of any housing accommodations to furnish any such information under oath or affirmation or otherwise, to make and keep records and other documents, and to make reports, and the commission may require any such person to permit the inspection and copying of records and other documents and the inspection of housing accommodations within the community. The commissioner or any officer or agent designated by the commission for such purposes, may administer oaths and affirmations and may, whenever necessary, by subpoena require any person to appear and testify or to appear and produce documents, or both, at any designated place.

3. For the purpose of obtaining any information under subdivision one, the commission may by subpoena require any other person to appear and testify or to appear and produce documents, or both, at any designated place.

4. The production of a person's documents at any place other than his place of business shall not be required under this section in any case in which, prior to the return date specified in the subpoena issued with respect thereto, such person either has furnished the commission with a copy of such documents certified by such person under oath to be a true and correct copy, or has entered into a stipulation with the commission as to the information contained in such documents.

5. In case of contumacy by, or refusal to obey a subpoena served upon, any person referred to in subdivision three, the circuit court in or for any judicial district in which such person is found or resides or transacts business, upon application by the commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a



contempt thereof. The provisions of this subdivision shall also apply to any person referred to in subdivision two, and shall be in addition to the provisions of subdivision one of section nine.

6. Witnesses subpoenaed under this section shall be paid the same fees and mileage as are paid witnesses in the circuit court.

7. No person shall be excused from attending and testifying or from producing documents or other evidence in obedience to the subpoena of the commission or of any duly authorized officer or agent thereof, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

8. The commission shall not publish or disclose any information obtained under this act that the commission deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the commission determines that the withholding thereof is contrary to the public interest.

9. Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

§ 6. Cooperation With Other Governmental Agencies. 1. The commission shall cooperate with the federal government in effectuating the purposes of this act, and shall endeavor to procure and may accept from the federal price administrator and other officers and agencies of the federal government such cooperation, information, records and data as will assist the commission in effectuating such purposes.

2. The commission may request and shall receive cooperation and assistance in effectuating the purposes of this act from all departments, divisions, boards, bureaus, commissions or agencies of the state and political subdivisions thereof.

§ 7. Procedure. 1. At any time after the issuance of any regulation or order under section four any person subject to any provision of such regulation or order may, in accordance with regulations to be prescribed by the commission, file a protest specifically setting forth his objections to any such provision and affidavits or other written evidence in support of such objections. Statements in support of any such regulation or order may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the commission. Within a reasonable time after the filing of any protest under this subdivision the commission shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the commission denies any such protest in whole or in part, the commission shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the commission has taken official notice.

2. In the administration of this Act the commission may take official notice of economic data and other facts, including facts found by the commission as a result of action taken under Section four.

3. Any proceedings under this section may be limited by the commission to the filing of affidavits, or other written evidence, and the filing of briefs.

4. Any protest filed under this section shall be granted or denied by the commission, or granted in part and the remainder of it denied, within a reasonable time after it is filed. If the commission does not act finally within a period of sixty days after the protest is filed, or within such extended period as may be fixed by the commission with the consent of all parties appearing in the proceeding, the protest shall be deemed to be denied.

§ 8. Judicial Review. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the commission hereunder. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

§ 9. Prohibitions. 1. It shall be unlawful, regardless of any contract, lease or other obligation heretofore or hereafter entered into, for any person to demand or receive any rent for any housing accommodations, in a community which has adopted this act, or otherwise to do or omit to do any act, in violation of any regulation, order or requirement under section four, or to offer, solicit, attempt or agree to do any of the foregoing.

2. It shall be unlawful for any person to remove or attempt to remove from any housing accommodations in any community which has adopted this act the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this act or any regulation, order or requirement thereunder.

3. It shall be unlawful for any officer or employee of the commission, or for any official adviser or consultant to the commission, to disclose, otherwise than in the course of official duty, any information obtained under this act, or to use any such information for personal benefit.

4. Nothing in this act shall be construed to require any person to offer any housing accommodations for rent.

§ 10. Enforcement. 1. Whenever in the judgment of the commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of Section nine of this Act, the commission may make application to the circuit court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

2. Any person who wilfully violates any provision of Section nine of this Act, or any person who makes any statement or entry false in any material respect in any document or report required to be kept or filed under Section four or Section five, or any person who wilfully omits or neglects to make any material statement or entry required to be made in any such document or report, shall, upon conviction thereof, be subject to a fine of not more than five thousand dollars, or to imprisonment in the county jail for not more than two years in the case of a violation of subdivision three of Section nine and for not more than one year in all other cases, or to both such fine and imprisonment. Whenever the commission has reason to believe that any person is liable to punishment under this subdivision, the commission may certify the facts to the State's Attorney of any county having jurisdiction of the alleged violation, who shall cause appropriate proceedings to be brought.

3. Any court shall advance on the docket and expedite the disposition of any criminal or other proceedings brought before it under this section.

4. No person shall be held liable for damages or penalties in any court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this act or any regulation, order, or requirement hereunder, notwithstanding that subsequently such provision, regulation, order, or requirement may be modified, rescinded, or determined to be invalid. In any action or proceeding wherein a party relies for ground of relief or defense upon this act or any regulation, order, or requirement hereunder, the court having jurisdiction of such action or proceeding shall certify such fact to the commission. The commission may intervene in any such action or proceeding.

5. If any landlord who receives rent from a tenant violates a regulation or order prescribing a maximum rent with respect to the housing accommodations for which such rent is received from such tenant, the tenant paying such rent may, within one year from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the landlord on account of the overcharge as hereinafter defined. In such action, the landlord shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater:

(a) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (b) an amount not less than twenty-five dollars nor more than fifty dollars, as the court in its discretion may determine; provided, however, that such amount shall be the amount of the overcharge or overcharges or twenty-five dollars, whichever is greater, if the defendant proves that the violation of the regulation or order in question was neither wilfull nor the result of failure to take practicable precautions against the occurrence of the violation. As used in this section, the word "overcharge" shall mean the amount by which the consideration paid by a tenant to a landlord exceeds the applicable maximum rent. If any landlord who receives rent from a tenant violates a regulation or order prescribing a maximum



rent with respect to the housing accommodations for which such rent is received from such tenant, and such tenant either fails to institute an action under this subdivision within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the commission may institute such action on behalf of the community within such one-year period. If such action is instituted by the commission, the tenant affected shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subdivision by either the tenant or the commission, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages under this subdivision shall be a bar to the recovery under this subdivision of any damages in any other action against the same landlord on account of the same overcharge prior to the institution of the action in which such judgment was rendered.

§ 11. Application. 1. The establishment of maximum rents in a community pursuant to this Act and of regulations and orders relating thereto shall not be or become operative so long as rent control therein established by the federal price administrator pursuant to the emergency price control act of nineteen hundred forty-two as amended, or other duly authorized officer or agency of the United States pursuant to any federal law, is in force and effect.

2. Rent control in any community, when established and operative therein pursuant to this Act, shall not apply to any building or structure in such area in the course of construction or completed on or after the time such rent control becomes operative therein.

§ 12. Separability. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§ 13. Short Title. This Act shall be known and may be cited as the community emergency housing rent control law.

§ 14. This Act shall be in force in any community which adopts it by ordinance or resolution of the corporate authorities thereof.

APPROVED July 18, 1947.









UNIVERSITY OF ILLINOIS-URBANA



3 0112 049619189